

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 4574 of 2006(T)

PETITIONER:

**T.MADHAVI, W/O.LATE T.KRISHNAN PANICKER,
AGED 72 YEARS, ELLATH HOUSE, P.O.CHORODE,
VIA BADGARA, KOZHIKODE.**

**BY ADV. SRI.R.SUDHISH
SMT.M.MANJU**

RESPONDENTS:

- 1. UNION OF INDIA, REPRESENTED BY THE
SECRETARY, MINISTRY OF HOME AFFAIRS,
NEW DELHI.**
- 2. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GENERAL ADMINISTRATION (FFA-A)
DEPARTMENT, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE.**

**BY ADV. SRI.M.R.JAYAPRASAD, CGC - R1
GOVERNMENT PLEADER SRI.V.T.K.MOHANAN - R2 & R3**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.4574/2006

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1:- COPY OF THE CERTIFICATE ISSUED BY SUPERINTENDANT,
CENTRAL JAIL, KANNUR .**

EXT.P2:- COPY OF THE EXTRACT FROM THE FORT ST.GEORGE GAZETTE .

**EXT.P3:- COPY OF THE ORDER NO.F.DIS. 1017/72/FFP DT. 22.5.74 ISSUED
BY THE STATE GOVERNMENT.**

**EXT.P4:- COPY OF THE REPRESENTATION DT. 28.1.98 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P5:- COPY OF THE LETTER DT. 31.5.05 SENT BY THE PETITIONER TO
THE 1ST RESPONDENT.**

**EXT.P6:- COPY OF THE APPLICATION DT. 22.10.05 SENT BY THE
PETITIONER TO THE 1ST RESPONDENT.**

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.4574 of 2006-T.
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Dated this the 8th day of August, 2007.

J U D G M E N T

The petitioner is seeking for a direction to the respondents to consider her application for pension under the Swathantra Sainik Samman Pension Scheme and grant the same. She is the widow of late Sri.T.Krishna Panicker, who was a freedom fighter. He has suffered four months rigorous imprisonment from 6.1.1940 to 1.5.1940 in Kannur Central Jail. The same is evidenced from the extract of the convict register Ext.P1. He was a teacher by profession and Ext.P2 shows that he was suspended from service as per proceedings dated 1.12.1939 for a period of two years. In fact, the State Government has granted pension under the relevant scheme as per Ext.P3 order dated 22.5.1974. It is averred in the writ petition that the application initially submitted was rejected for the reason that the State Government had not recommended her application. Thereafter she filed Ext.P4 before the first respondent, followed by Ext.P5 dated 31.5.2005 also. Ext.P6 is a fresh application submitted by her seeking grant of pension. It is averred that the same has been forwarded to the first respondent along with supporting documents.

2. The scheme envisages due recommendation by the State

Government for sanction of pension. The counter-affidavit filed by the first respondent shows that the State Government is required to examine the claim and to forward the same with documents and evidence along with the recommendation positive or negative.

3. Therefore, the 2nd and 3rd respondents will consider Ext.P6 along with the certificates and documents and forward the same to the first respondent with the recommendations thereon. The petitioner will be at liberty to file a fresh application before the District Collector, Kozhikode along with the required details for transmission to the State Government. The needful in this regard will be done within two months by respondents 2 and 3 from the date of receipt of a copy of this judgment. The first respondent will pass appropriate orders within a period of four months from the date of receipt of the said application and documents with report from the State Government.

The writ petition is disposed of as above. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-